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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF)	
GLOBALNET PHARMACIES LLC)	STIPULATION AND ORDER
TO OPERATE AS A PHARMACY AND TO)	
DISPENSE CONTROLLED SUBSTANCES)	Case No DOPL-2007-25C
IN THE STATE OF UTAH)	

GLOBALNET PHARMACIES LLC ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action Shalifi Data is the pharmacist-in-charge of Respondent pharmacy and is authorized to act as an agent for, and enter into binding agreements on behalf of, Respondent pharmacy

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Pharmacy ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts are true

- a Respondent is licensed with the Division as a Class D mail order pharmacy Respondent's address is 134 NW 16th Street, #4, Boca Raton, Florida
- b On or about June 13, 2007 a licensed Utah pharmacy contacted Respondent to request a prescription transfer An employee of Respondent initially did not know what a prescription transfer was However, when the request was further explained Respondent's employee informed the Utah pharmacy caller that Respondent's pharmacist was not available
- c On or about July 18, 2007, a Division investigator contacted Respondent's pharmacist-in-charge about the incident described above Respondent's pharmacist-in-charge stated that the pharmacy was closed during the time Respondent was contacted by the other Utah pharmacy and that the individual who had received the call from the other Utah pharmacy was responsible only for receiving new prescription orders from patients telephonically The Division

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requested that Respondent provide a copy of Respondent's most recent pharmacy inspection report conducted by the Florida Board of Pharmacy to the Division

- d On or about July 25, 2007 the Division investigator received and reviewed a Florida Board of Pharmacy inspection report which had been completed on October 13, 2006
- e On or about August 1, 2007 the Division investigator learned that Respondent's Florida pharmacy license had just recently been placed on probation by the Florida Board of Pharmacy. A copy of Order #07-15845 issued by the Florida Department of Health and Florida Board of Pharmacy was subsequently received by the Division. The Order reflected that on or about August 4, 2006 a Florida Department of Health representative had performed an inspection of Respondent's premises. That inspection determined that Respondent was unable to produce a daily printout from the pharmacy computer data system showing the name or initials of prescribing practitioners or the code of the dispensing pharmacist. Respondent's pharmacist-in-charge failed to report the fact that Respondent had been placed on probation with the Florida Board of Pharmacy to the Division
- f On or about October 13, 2006 a Florida Department of Health representative conducted a follow-up inspection. It was again determined that Respondent was unable to produce a printout from the pharmacy computer data system showing name or initials of prescribing practitioners or the code of the dispensing pharmacist
- g On or about July 31, 2007 the Florida Board of Pharmacy voted to adopt a Settlement Stipulation which included the following sanctions against Respondent
 - a Respondent was required to pay administrative costs to the Florida Department of Health in the amount of \$4,289.93 and an administrative fine of \$1,000.00
 - b Respondent's license was placed on probation for a one year period
 - c Respondent's pharmacist-in-charge was required to complete a continuing education course, at least twelve hours in length, focusing on law and ethics to be completed within one year
 - d During the period of Respondent's probation, Respondent is to submit written reports to the Compliance Officer for the Board of Pharmacy on a quarterly basis which contain the permit number, current name, address, and phone number of each current pharmacy employee, including all pharmacists, pharmacy interns, pharmacy technicians, relief pharmacists.

and prescription department managers working within Respondent's prescription area

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-502(2)(d), § 58-17b-502(12), and Utah Administrative Code R156-17b-502(6), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order, which constitutes disciplinary action against Respondent's licenses by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- a Respondent's licenses shall be subject to a term of probation for a period of one (1) year The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order During the period of probation, Respondent shall be subject to all of the following terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
- b Respondent shall pay a fine of \$1,000 00 (one-thousand dollars), pursuant to Utah Code Annotated § 58-17b-504(3)(a) and Utah Administrative Code R156-17b-402, within 30 days of the effective date of this Stipulation and Order
- c Respondent's pharmacist-in-charge and owner, shall meet telephonically with the Board within thirty (30) days of the signing of this Stipulation and Order
- d Respondent's pharmacist-in-charge shall submit the following to the Division within 90 days of the effective date of this Stipulation and Order
 - i Documentation showing policies and procedures established for Respondent which include how pharmacy personnel are to respond to prescription transfer requests and how such requests are handled by pharmacy personnel,
 - ii Documentation showing policies and procedures for which licensed individuals are allowed to receive prescription transfer requests, and
 - iii Documentation showing policies and procedures for how prescription orders are verified with the respective prescribing practitioner prior to dispensing

- e Respondent shall forward to the Division all correspondence with any government regulatory agency which pertains to any professional license held by Respondent

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

11 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

12 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

13 Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
DIANA BAKER
Bureau Manager


DATE 10/24/07

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE 24 Oct 2007

RESPONDENT

BY 
SHAFALI DATA
Pharmacist-in-Charge
GLOBALNET PHARMACIES LLC

DATE 10/19/07

ORDER

THE ABOVE STIPULATION, in the matter of **GLOBALNET PHARMACIES LLC**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 17 day of December, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

INVESTIGATOR JARLD MEMMOTT